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Second Periodic Reports of States parties

Addendum

GERMAN DEMOCRATIC REPUBLIC

V.87-81918

The present report is a continuation of the Initial Report, doc. CEDAW/C/5/Add.1, of the GDR dated 12 November 1982.

INTRODUCTION

In the German Democratic Republic a social system was established where the exploitation of man by man is eliminated and where the creative potential of the people can fully unfold. This process is marked by continuous economic growth, social security for all, full employment, an advanced educational system and remarkable performances in science, technology and culture. Women have an outstanding share in these achievements.

The national income grew by 98 per cent from 1970 to 1985. Over the same period industrial output rose by [illegible] per cent while in the agricultural sector crop production was up 35 per cent, with animal products climbing 40 per cent. This dynamic process has continued in 1986. It provides the foundation for further raising material and cultural living standards. For instance, by 1990, i.e. within the historically short period of 20 years, 3.5 million dwellings will have been newly built or modernized; rents have remained low and stable for more than 40 years now. On an average they claim less than 3 per cent of family incomes.

It is only in an environment of peace that the GDR can pursue its social welfare policy. That is why it advocates a result-oriented, businesslike dialogue and cooperation with a view to normalizing the international situation and returning to détente. At numerous manifestations for peace in the GDR women have shown their firm resolve not to slacken in their efforts for its preservation. They actively support the world-wide drive of the Women's International Democratic Federation "For the People's Right to Peace". They thus live up to the principle formulated in the preamble to the Convention on the Elimination of All Forms of Discrimination against Women that the strengthening of [illegible] part of full

Forward-looking Strategies for the Advancement of Women up to the year 2,000 adopted as a result of the 1985 world women's conference.

The socialist German state is making a constructive contribution to the world-wide struggle for arms limitation and disarmament, for averting a nuclear inferno. It associates itself with the just demand for the establishment of a new international economic order. The government and people of the GDR stand firmly at the side of the peoples of Africa, Asia and Latin America in their struggle against imperialist aggression and interference, against neo-colonialism, racism, apartheid and fascism. This policy has the active backing of women in the GDR.

PART I

The Constitution of the GDR entitles and commits every citizen, man and woman alike, to take part in shaping the political, economic, social and cultural life of society and State. Man and women have equal rights (article 20, Constitution).

In the GDR women make up about half of the total workforce of approximately 8.5 million people (without apprentices). Over 90 per cent of women and girls of working age (fifteen to sixty) are gainfully employed, go to school or are enrolled at an institute of higher learning. Women account for about half of those who are taking part in the various upgrading courses to learn how to use new equipment or processes. Their professional and political activities have produced fresh successes in every field. At the same time important prerequisites are thus being created for systematically widening equal rights.

Since the submission of the GDR's initial report on the situation concerning fulfilment of the Convention on the Elimination of All Forms of Discrimination against Women, doc. CEDAW/C/5/Add.1 of 12 November 1982, further legal arrangements have been made in the GDR to keep building substance into women's rights and to further improve the conditions for their enjoyment.

equal rights for women were repealed. The Constitution and all other laws and regulations reflect the provisions of the Convention on the Elimination of All Forms of Discrimination against Women. All citizens are equal before the law. The laws of the GDR take care of and promote equal rights for women in all their aspects. Women's equal rights are a reality in every sphere of human activity.

Concerning article 3:

With the family code, the act on the integrated socialist educational system, the civil and labour codes and a host of other regulations designed to implement social welfare and family policies, further substance was built into women's rights in the GDR. This also meant that women were increasingly enabled to exercise their rights and to combine motherhood, family obligations and work responsibilities. There is every guarantee that infringements of women's equal rights are virtually impossible. Should this happen all the same as a result of individual error, women have many ways to enforce their right. They can have recourse to the civil, the family or the labour code or to the code of civil procedure as well as to other legislation. It is a general rule that action can be taken against infringements of citizens' rights through the courts as well as by way of petition or complaint.

Concerning article 4:

The accession of the GDR to the Convention on the Elimination of All Forms of Discrimination against Women does not give rise to new tasks for this country.

Concerning article 5:

It is one of the prime concerns of the Family Code to ensure equality of rights for man and women, which is a reality in professional life, in training and education as well as in day-to-day government practice and public life, to become still more pronounced within the

the spouses should be such that women can reconcile going out to work and social activity with motherhood (articles 9 and 10, Family Code).

Parents jointly exercise the right to bring up their children. If one parent dies or loses that right, the other parent exercises it alone (article 45, Family Code). Spouses represent each other in matters relating to their joint life (article 11, Family Code). The goods and chattels, property rights and savings acquired by one or both partners during their marriage through work or from income derived from work belong to both spouses jointly. Joint ownership ensures equality of rights for men and women in matrimonial property law. This applies in particular to the spouse who is in the lower income bracket or has not always been gainfully employed because of the need to bring up the children or for other reasons (articles 12 and 13, Family Code).

Giving birth, bringing up children and caring for them within the family is highly valued in the GDR. Caring for and educating children are joint concerns of parents and society. The country's social-welfare programme includes as a firm component a wide range of measures for mother and child, for the family and newly married couples. In case of motherhood social security is assured in the first place through maternity leave on full pay and through protection against dismissal for pregnant women and mothers within one year from the child's birth. Moreover, following maternity leave, each mother is entitled to release from work on full pay up to the end of the child's first year. Women having three or more children have a right, following maternity leave up to the child's eighteenth month, to claim release from work on full pay. During that time jobs and all related rights are preserved for them. In addition, every mother is paid a government maternity grant to the tune of 1,000 marks per child.

Moreover, to cover part of the cost required for a child's education the government pays a monthly allowance which from 1 May 1987 will be 50 marks for the first child, 100 marks for the second and 150 marks for the third and every further child. Another improvement of working and living conditions for mothers and families with severely handicapped children took effect on 1 May 1986.

The working and living conditions of women, and of all other citizens as well, benefit considerably from such other social welfare measures as an increase in interest-free loans to newlyweds and the partial waiver of loan repayment at the birth of each child, a wide-ranging programme of social and material assistance to families or single persons with several children, higher pensions and the fact that women's pensions grow with the number of births.

Concerning article 6:

Penal law gives women special protection. Traffic in human beings and the exploitation and encouragement of prostitution are liable to punishment (articles 123, 132, Penal Code).

Concerning article 7:

The Constitution establishes for every citizen, men and women alike, the right and the duty to take part in determining and shaping the political, economic, social and cultural life of socialist society. Entitled to vote is everyone who turns eighteen on election day. By that date GDR citizens are also eligible for the People's Chamber, i.e. the supreme legislative assembly, and for the local assemblies (electoral act of 29 June 1976). Women from all walks of life, regardless of world outlook or career, make full use of this right.

The political co-determination of women is reflected in the proportion of female deputies in publicly elected bodies at all levels.

In the People's Chamber one in three seats went to a woman. The socialist women's organization, the Democratic Women's League of Germany, has a parliamentary group of its own in the People's Chamber. The share of women deputies is 39 per cent in county assemblies, 43 per cent each in district and municipal assemblies, and 37 per cent in community assemblies. The number of mayoresses has gone up from 1,868 in 1982 to the present 2,192. In the GDR's largest organization of working people, the Confederation of Free German Trade Unions, 53 per cent of all elected officials are women.

land. DFD members exercise their right to co-determination in many ways. They play a constructive role in discussions on national economic plans, look into proposed plan targets and give advice on how to enhance the attractiveness of towns and villages.

Concerning article 8:

It is general practice for women to be among the members of GDR delegations going to international conferences, sessions of the UN, its specialized agencies or other international governmental and non-governmental organizations. Since the establishment of the CEDAW the GDR has been represented on it by a woman-expert. The GDR government gives special attention to matters of this nature.

Concerning article 9:

The provisions of the nationality act apply to all GDR citizens, men and women alike. As under all other laws and regulations of the GDR, women enjoy the same rights as men under this act.

Concerning article 10:

Since equality of rights cannot be implemented unless there is no sexual bias in education, equal educational opportunities for all, a basic human right, have been a reality throughout the GDR for decades. School attendance is compulsory up to the end of the ten-year polytechnical secondary school. Under article 25 of the Constitution each youth has a right and an obligation to train for a vocation. There are no tuition fees, neither at general schools nor at technical schools or institutes of higher learning. All students at institutes of higher learning or technical schools receive grants. At the twelve-year general polytechnical secondary schools allowances are paid. Polytechnical education is considered a major component of general education at socialist schools. Since girls receive the same education they have equal opportunities in choosing and practising a career. Today, nearly all female school-leavers (99.2 per cent) who do not go on to the next higher school learn a trade. At engineering and technical schools female students account for over 80 per cent of the total, while at institutes of higher education 52.5 per cent

There has been visible progress in terms of an increased share of women acquiring higher academic degrees. Twelve per cent more women than in 1975 took the lower-level doctor's degree (Promotion A), while for the higher level (Promotion B) the increase was 5 per cent over the same period. At institutes of higher learning women make up 8.5 per cent of professors and lecturers.

Concerning article 11:

Everyone has a right to work in the GDR. This is laid down for both men and women in the Constitution and specified in many other laws and regulations, notably the labour code. Agencies like the government labour exchanges, the supervisory bodies of the workers' and farmers' inspectorate and the trade unions monitor the observance of these rights. The courts, through their administration of justice, provide legal protection for the equal rights principle. There is no unemployment in the GDR. At present over 90 per cent of women and girls between 16 and 60 years of age are gainfully employed, attend school or an institute of higher education. Women who on account of their family situation or poor health cannot work full-time may under the labour code work part-time. The basic right to equal pay for equal work ensures that man and woman are on equal terms both in the work process and in society in general.

Women hold about one third of all executive or managerial posts in the economy, so that one in five executives in industry or agriculture is a woman. In commerce every other executive position is occupied by a woman. In the fields of culture, health care and education women provide some 57 per cent of all managerial personnel. In the judiciary, 53 per cent of directors and judges at county and district courts are female.

Pregnant women, nursing mothers and mothers with children of up to one year of age must not be given jobs which in the judgement of the company physician or the doctor at an antenatal care centre may pose a risk to the life or health of the woman or child. In those cases it is the duty of the company to assign to the woman concerned some other appropriate temporary work. Payment for that work must at least be equal to her previous average earnings. Pregnant women, nursing mothers and women who have children of pre-school age living with them must not work night shifts or

for ways of supporting women in the realm of education and further education. Entitled to assistance in their further training and education are those women who on account of their family obligations were released from work for lengthy periods or who work only part-time. They undergo in-service training to familiarize themselves with the work to be assigned to them or with the requirements of a new job. Allowance is made for upgrading programmes already taken. To make it easier for women to exercise their rights the possibilities of pre-school education at crèches and kindergardens were improved. Today, there is room at crèches for more than 60 per cent of all children of up to three years of age while kindergardens can absorb all children between three years and school-going age if their parents so wish. Moreover, schools have after-school centres that can be attended by pupils of grades one through four at their parents' request. The services provided by child-care centres are free of charge. All that parents have to pay is a small contribution towards the cost of meals.

Concerning article 12:

The GDR has a well-developed health care and social welfare system. As provided for in the Constitution mothers and children enjoy the special protection of society. The services of the health care system, including all medicaments prescribed by doctors, are free of charge. Health care for pregnant women, mothers and infants is provided by a close-meshed network of health care institutions. In 1978/79, a standard programme was introduced as a basis for the mandatory medical check-ups of pregnant women and of children offered by the more than 10,000 antenatal care and maternity advisory centres. For each child a personal record of its check-ups is kept which accompanies it all the way until it takes up employment.

Special efforts have been made in the area of primary out-patient gynaecological care. As part of the advanced industrial health-care system, company out-patients' clinics and departments provide mass screenings of women on a priority basis.

Concerning article 13:

The Constitution provides (article 34) that everyone has a right to

As regards borrowing from banks, men and women are treated as equals just as in all other spheres. Provisions on family allowances are reflected in the comments on article 5.

Concerning article 14:

Rural women, like all other women, enjoy equal rights with men in all spheres of life. At present over 43 per cent of those employed in agriculture are women of whom nearly 90 per cent have completed a course of vocational training. 40,000 women know how to operate advanced agricultural machines, i.e. some 15,000 more than 10 years ago. All social welfare measures fully apply also to women employed in the agricultural sector.

Concerning article 15:

Men and women are equal before the law and have the same right to be heard in court (article 8, Judicature Act). Anyone may address petitions or complaints to publicly elected bodies, their deputies or political or economic government agencies (articles 102, 103, Constitution). In line with the principle underlying article 20 of the Constitution, i.e. that all citizens are equal before the law, the civil code, in defining legal position and capacity to act, does not differentiate between men and women either. The principles of the civil code and many of its specific provisions are also designed to meet the interests of women. These provisions cover e.g. the protection of personal rights, the acquisition and ownership of private property, the conclusion of sales contracts, the use of services for residential and recreational purposes. The law of inheritance is another area reflecting the principles of equal rights and advancement of women. For instance, a provision assigning to the spouse, in addition to the legal portion, all objects forming part of the household as a rule benefits the wife since she can thus continue to live in her accustomed residential situation. A dissolution of the household through partition of the estate among several legal heirs is thereby prevented. Contracts that violate the equality of rights of women are void by virtue of article 68, paragraph (1) sub-paragraph (1) of the civil code in connection with article 20 of the Constitution. The civil

Concerning article 16:

The dependence of woman within the family and on her husband is a matter of the past. When a woman marries nowadays it is no longer because she wants to be provided for. Both men and women are in a position to freely choose their spouses.

The marriagable age for both men and women is eighteen (article 5, Family Code). Article 7 of the family code stipulates that the married couple shall bear a single family name. However, they are free to choose the name of the husband or the wife. Only registered marriages are valid (article 13, Civil Status Act). In articles 2, 9, 10, 11 and 12 of the Family Code the basic legal principle of equal rights is spelled out in greater detail to cover relations between husband and wife within the family. Accordingly, both husband and wife bear their share in bringing up and caring for the children, and in running the household. Relations between the two should be such that wives can reconcile work responsibilities and participation in public life with motherhood. Where husband or wife take up an occupation after being previously not gainfully employed and where he or she decides to undergo further education or engage in social work, the other partner should encourage such endeavours by showing consideration and providing assistance (article 10, paragraphs 1 and 2, Family Code). Under article 24 of the family code a marriage may be dissolved at the request of either spouse if the court has established that there are such serious grounds for dissolution that it is safe to assume that the marriage has lost its meaning for the marital partners, the children and, consequently, for society as well. Equal rights are fully applicable also in the Law of Divorce. Article 25 of the family code provides that the court decides which parent shall be given custody over minor children. The essential consideration in making this decision is in what way the continued education and development of the children is best assured. Neither the father nor the mother has a prerogative from which a claim to sole custody could be derived. The principle that the mother of a child born out of wedlock is entitled to full paternal rights was incorporated in the civil code. The law reflects both the high appreciation enjoyed by the marriage-based family and the

practice and a matter of course in the GDR that the mother alone exercises parental rights and custody. In that case the mother bears the responsibility for bringing up and caring for the child. She takes care of its education, looks after it and has all relevant powers of decision. At birth a child is given the surname the mother bears at that point in time. The mother decides where the child is to live, takes care of its legal representation and handles its property affairs. The material and cultural needs of the child are satisfied from the family budget by the mother (article 12, Family Code) and by the father in the form of maintenance (articles 46, 19 ff., Family Code). The abortion act of 9 March 1972 (Law Gazette I No. 89) and the first implementing regulation thereto of 9 March 1973 fully live up to the right and dignity of women, to the need to protect the life and health of mother and child and to strengthen the personal responsibility of the spouses, and in particular of women, for family planning, something that has already been practised in the form of a wide range of methods of contraception.

The provisions governing trusteeship (article 104 ff., Family Code), guardianship over minors (article 88 ff., Family Code) and adoption of a child (article 66 ff., Family Code) are identical for men and women.

As regards property relations between husband and wife the law provides that property acquired from the income of the spouses or from similar recurrent payments equal to income from work (article 13, Family Code) is joint property.

When a marriage is terminated, as a matter of principle the joint property and assets are divided into equal shares (article 39, Family Code). As this is done, no account is taken of possible differences in income between husband and wife from which the joint property was acquired.

In conclusion, the Government of the German Democratic Republic wishes to reaffirm that GDR legislation is in harmony with the provisions on the equality of women as contained in the Convention on the Elimination of All Forms of Discrimination against Women. Against the background of its policies designed to secure peace and serve the people's welfare,